

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed November 9, 2007.

Currently, claims 21-32 and 34-44 are pending. Applicants respectfully request reconsideration of claims 21-32 and 34-44.

I. Rejection of Claims 21-23, 26-28, 30-32, 34-37 and 39-44 under 35 U.S.C. §102(c)

Claims 21-23, 26-28, 30-32, 34-37 and 39-44 have been rejected under 35 U.S.C. §102(c) as being anticipated by La Joie (U.S. 6,049,333). Because the cited prior art does not disclose all of the limitations of claims 21-23, 26-28, 30-32, 34-37 and 39-44, Applicants assert that the claims are patentable over the cited prior art.

Claim 21 is not anticipated by La Joie because La Joie does not disclose the step of “comparing said event data to an alert parameter.” Instead, La Joie discloses an event database menu that allows a user to view information about different events occurring in different television programs. For example, the event database menu may include “information pertaining to sporting events. As a particular sporting event progresses, the event data service provider 26 provides updated information, such as revised scores and statistics” (La Joie Figure 1 and col. 5, lines 9-13). The information for a program may be displayed as a banner at the bottom of the television screen while another program is being displayed and may be continuously updated as the service provider provides updated information. For example, Figure 6 “depicts a screen 90 that may be displayed on the television... after the user selects the “Football Game Day” choice from the menu shown in Figure 5” (see La Joie Figures 5-6 and col. 10, lines 32-35).

The viewer can use the remote control unit 48 to cause the set-top terminal 32 to display information from the event database of the present invention on the television 58. The event database may be selected by the viewer from a menu of interactive applications. Alternatively, the information from the event database may be automatically displayed under certain circumstances, such as when the viewer tunes to a designated television channel. In another alternative embodiment, the viewer can invoke the event database while watching any

television channel by using, for example, a designated “short-cut” key on the remote control unit 48 (La Joie Figures 1-2 and col. 7, lines 55-65).

The Examiner indicates that the information about the events, such as a score, contained in the event database can be equated to the “event data” recited in claim 21. However, La Joie does not disclose that the “event data” is compared to an “alert parameter.” The Examiner references the above passage from La Joie without explanation about why the Examiner believes the step of “comparing” is disclosed here. It is unclear where in this passage, or in the entire prior art reference for that matter, the step of “comparing” is disclosed. However, even using the example of a score for a sporting event as the “event data,” La Joie does not disclose that such “event data” is compared to anything. Because La Joie does not disclose this step of “comparing said event data to an alert parameter,” Applicants respectfully assert that claim 21 is not anticipated by the prior art. Claims 22, 23, 26-28, 30-32, 34-37 and 39-44 each contain a similar feature and are not anticipated by the prior art for at least the same reasons as claim 21.

Furthermore, claim 21 is not anticipated by La Joie because La Joie does not disclose the step of “providing an alert for said user of said customer premise equipment... if said received event data satisfies said alert parameter.” The Examiner, without explanation, indicates that this feature is disclosed in column 5, lines 9-13 of La Joie (quoted above). However, it is unclear where the step of “providing an alert” is disclosed. That section of La Joie discloses that “event data” is continuously updated. For example, if a score in a game changes, the “event data” that the user is viewing will be updated to show the change. However, no “alert” is provided “if said received event data satisfies said alert parameter.” In fact, no “alert parameter” is even disclosed.

The Examiner further indicates that the step of “providing” is disclosed in the following passage from La Joie:

In the example shown in Figure 6, the left and right arrow keys may be used to obtain information about other football games including games which are in progress. Information for games which are not complete or have yet to start may also be provided (La Joie Figure 6 and col. 11, lines 26-30).

Again, it is unclear how this passage indicates the step of “providing an alert for said user of said customer premise equipment... if said received event data satisfies said alert parameter.” La Joie simply discloses that a user may view information about events on different programs by selecting the information the user would like to see using the remote. However, no “alert” is provided to the user “if said received event data satisfies said alert parameter.” Again, no “alert parameter” is even disclosed in La Joie. Because this step of “providing” is not disclosed in La Joie, Applicants assert that claim 21 is not anticipated by the prior art. Claims 22, 23, 26-28, 30-32, 34-37 and 39-44 each contain a similar feature and are not anticipated by the prior art for at least the same reasons as claim 21. Applicants respectfully request reconsideration of claims 21-23, 26-28, 30-32, 34-37 and 39-44.

II. Rejection of Claims 24, 25 and 38 under 35 U.S.C. §103(a)

Claims 24, 25, and 38 have been rejected under 35 U.S.C. §103(a) as being obvious over La Joie in view of Iki (U.S. 6,008,802). Because the cited prior art, alone or in combination, does not disclose, teach, or suggest the limitations of claims 24, 25, and 38, Applicants assert that the claims are in condition for allowance.

La Joie, as discussed above, does not disclose “comparing said event data to an alert parameter when said event occurs” as recited in claim 31. Claims 24, 25, and 38 all contain a similar feature. Additionally, Iki does not teach or suggest this feature. Instead, Iki discloses receiving “event data” for a future program and comparing the “event data” during a commercial for the “event,” not “when said event occurs.” Moreover, Iki adds nothing to La Joie that would motivate one of ordinary skill in the art to modify La Joie to include these features because Iki only discloses that “event data” is received for events that are going to occur, not events that are presently occurring. Therefore, the combination of La Joie and Iki does not disclose, teach, or suggest all of the limitations of claims 24, 25, and 38. Applicants respectfully request reconsideration of these claims.

III. Rejection of Claim 29 under 35 U.S.C. §103(a)

Claim 29 has been rejected under 35 U.S.C. §103(a) as being obvious over La Joie in view of Kim (U.S. 6,618,057). Because the cited prior art, alone or in combination, does not disclose, teach, or suggest the limitations of claim 29, Applicants assert that the claim is in condition for allowance.

La Joie, as discussed above, does not disclose the steps of “comparing said event data to an alert parameter” and “providing an alert for said user of said customer premise equipment... if said received event data satisfies said alert parameter,” as recited in claim 21. Claim 29 contains similar features. Additionally, Kim does not teach or suggest these features. Instead, Kim discloses a graphic interface device for use with digital television in order to view a program guide, yet no steps of “comparing said event data” or “providing an alert” as described in claim 21 is disclosed. Moreover, Kim does not add anything to La Joie that would motivate one of ordinary skill in the art to modify La Joie to include these features because Kim does not even disclose “event data.” Therefore, the combination of La Joie and Kim does not disclose, teach, or suggest all of the limitations of claim 29. Applicants respectfully request reconsideration of this claim.

Applicant asserts that claims 21-32 and 34-44 are in condition for allowance. Based on the above amendments and these remarks, reconsideration of claims 21-32 and 34-44 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned practitioner by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 2008-02-06

By: /Michelle Esteban/
Michelle Esteban
Reg. No. 59,880

VIERRA MAGEN MARCUS & DENIRO LLP
575 Market Street, Suite 2500
San Francisco, California 94105-4206
Telephone: (415) 369-9660
Facsimile: (415) 369-9665